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6 *Attorney for Righthaven LLC*

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
10

11 RIGHTHAVEN LLC, a Nevada limited-
12 liability company,

13
14 Plaintiff,

15 v.

16 DEMOCRATIC UNDERGROUND, LLC, a
District of Columbia limited-liability
17 company; and DAVID ALLEN, an individual,

18 Defendants.
19

20 DEMOCRATIC UNDERGROUND, LLC, a
District of Columbia limited-liability
21 company,

22 Counterclaimant,

23 v.

24 RIGHTHAVEN LLC, a Nevada limited-
liability company; and STEPHENS MEDIA
25 LLC, a Nevada limited-liability company,

26 Counterdefendants.
27
28

Case No.: 2:10-cv-01356-RLH-RHH

**DECLARATION OF SHAWN A.
MANGANO, ESQ. IN SUPPORT OF
RIGHTHAVEN LLC'S RESPONSE TO
ORDER TO SHOW CAUSE
CONCERNING COMPLIANCE WITH
LOCAL RULE 7.1-1**

1 I, Shawn A. Mangano, Esq., declare, under penalty of perjury, that the following is true
2 and correct:

3 1. I am an attorney-at-law admitted to practice before all courts of the State of
4 Nevada. I have personal knowledge of the facts set forth below, except for those factual
5 statements expressly made upon information and belief, and as to those facts, I believe them to
6 be true. I am over eighteen years old and I am competent to testify to the matters set forth
7 herein.

8 2. I represent Righthaven LLC (“Righthaven”) in the above-referenced matter.

9 3. This declaration is made in support of Righthaven, LLC’s Response to Order to
10 Show Cause Concerning Compliance With Local Rule 7.1-1.

11 4. I have been admitted to practice before this Court since 1998. I am in good
12 standing with the Court. I have extensive federal court litigation experience. In addition to
13 being admitted to practice before all federal courts in this state, I am also admitted to practice
14 before all federal courts in the State of California, the United States Court of Appeals for the
15 Ninth Circuit, the United States Court of Appeals for the Federal Circuit, and the United States
16 District Court for the District of Colorado.

17 5. I substituted in a counsel of record in this case by stipulation, which was filed on
18 or about November 12, 2010. Prior to my substitution, J. Charles Coons and Joseph Chu, both of
19 whom served as in house counsel for Righthaven, were prosecuting this case. Mr. Coons was
20 admitted to practice in this state in 2007. Mr. Chu was admitted to practice in this state in 2008.
21 I confirmed this information through a search of the State Bar of Nevada’s online membership
22 records. On or about September 7, 2010, Mr. Coons certified and caused the Certificate of
23 Interested Parties to be filed with the Court. (Doc. # 5.) Righthaven no longer employs Mr.
24 Coons and Mr. Chu.

25 6. I served as co-counsel with Mr. Coons and Mr. Chu in several matters prior to
26 their separation from Righthaven. I found both attorneys to be diligent and forthright. At times,
27 their litigation skills understandably reflected their limited practice experience. This observation
28 aside, Mr. Coons and Mr. Chu did participate and effectively brief several complicated issues

1 concerning such matters as personal jurisdiction that resulted in favorable decisions for
2 Righthaven.

3 7. Based on my experience working with Mr. Coons and Mr. Chu, I honestly do not
4 believe that they fully comprehended the scope of Local Rule 7.1-1's "direct, pecuniary interest"
5 requirement as it related to the need to disclose Stephens Media's potential contingent recovery
6 under the Strategic Alliance Agreement (the "SAA"). In fact, I did not fully appreciate the need
7 to disclose Stephens Media under Local Rule 7.1-1 in view of the SAA's terms until reviewing
8 the Court's June 14, 2011 Order (Doc. # 116). I reasonably viewed any contingent payment to
9 Stephens Media under the SAA as constituting an indirect interest that required a two-step
10 payment process assuming any case resulted in a recovery. Simply put, receipt of settlement
11 funds through settlement or recovery by the enforcement of a judgment would be made to
12 Righthaven. Righthaven would then be contractually obligated under the SAA to subsequently
13 pay Stephens Media any recovered sums over and above costs incurred. Upon reviewing the
14 Court's Order I immediately began taking corrective action by causing amended disclosures to
15 be filed in numerous pending actions in this District and in the District of Colorado. Overall, I
16 have caused 80 such amended disclosures to be filed in this District. I have also caused 34
17 amended disclosures to be filed in the District of Colorado. At no time have I ever intentionally,
18 willfully or knowingly violated Local Rule 7.1-1.

19 8. On June 28, 2011, an automatic software update for the Internet browser was
20 apparently installed on my computer. This automatic software update caused my Internet
21 browser to be incompatible with the Court's CM/ECF electronic filing system. While the
22 CM/ECF system was accessible to me, it did not permit any files to be attached for submission. I
23 was able to detect and rectify this incompatibility issue during the early afternoon of June 29th. I
24 included this paragraph to this declaration after correcting the compatibility issue. This
25 declaration absent this paragraph and Righthaven's associated response were fully prepared for
26 submission on June 28th.

1 Signed and affirmed this 29th day of June, 2011.

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3 /s/ Shawn A. Mangano
4 SHAWN A. MANGANO, ESQ.
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8 **CERTIFICATE OF SERVICE**

9 Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I on this 28th day
10 of June, 2011, I attempted to upload the foregoing document on the Court's CM/ECF system, but
11 was unable to effectively do so until the 29th day of June, 2011 due to the CM/ECF's systems
12 unforeseen incompatibility with a recently installed Internet browser software update.
13

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